

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	18-CR-03890 JB
)	
IAN SMALL,)	
)	
Defendant.)	

UNOPPOSED MOTION TO CONTINUE TRIAL SETTING AND PRETRIAL DEADLINES

Defendant Ian Small, by and through his counsel of record, Jason Bowles of Bowles Law Firm and Todd J. Bullion of the Law Office of Todd J. Bullion, hereby moves this Honorable Court for a continuance of the trial setting, currently scheduled for May 30, 2023, and in support of his motion states:

1. Ian Small is charged with 18 U.S.C. 1201(c): Conspiracy to Kidnap; 18 U.S.C. 1201(a)(1) Kidnapping and 17 U.S.C. 2, Aiding and Abetting; and U.S.C. 2119 Carjacking, 18 U.S.C. Aiding and Abetting.

2. Trial in this matter is currently scheduled for May 30, 2023.

3. Mr. Bowles and Mr. Bullion recently entered their appearance on behalf of Defendant Ian Small and need additional time to review the facts of this case and the discovery.

4. Ian Small is currently incarcerated.

5. Mr. Small's respectfully requests a continuance to complete several tasks that are vital to his defense. Specifically, Mr. Small requests an additional ninety days from the current setting to review discovery and conduct a preliminary investigation. Additionally, Mr. Small

requires time to prepare for trial, prepare and file pretrial motions, and to continue to pursue plea negotiations with the government. Ninety days is the minimum amount of time that is required to conduct such discussions and set this matter for a change of plea hearing, if a resolution is reached.

6. A continuance is necessary for counsel to complete the following tasks:

- a. Receive and review discovery and conduct an investigation.
- b. Continue plea negotiations with the government. If a resolution is not reached, then additional time will be necessary to prepare pretrial motions, motions in limine, and prepare for trial.
- c. Research, prepare, and file pretrial motions, including possible motions to suppress and other motions in limine.
- d. Complete an investigation into the allegations and charges against Mr. Small.

7. Mr. Small requests a continuance of the trial of no less than 90 days from the current setting. Counsel believes that length of time to be the minimum that will be sufficient to complete plea negotiations in this case.

8. Mr. Small's right to the effective assistance of counsel includes adequate time to prepare for trial. Without that adequate time to prepare for trial, Mr. Small will be denied his right to the effective assistance of counsel. As the Eleventh Circuit has recognized,

Implicit in this right to counsel is the notion of adequate time for counsel to prepare the defense: "Disposition of a request for continuance . . . is made in the discretion of the trial judge, the exercise of which will ordinarily not be reviewed. But the denial of opportunity for appointed counsel to consult with the accused and to prepare his defense, could convert the appointment of counsel into a sham and nothing more than a formal compliance with the Constitution's requirement that an accused be given the assistance of counsel. The Constitution's guarantee of assistance of counsel cannot be satisfied by mere formal appointment."

United States v. Verderame, 51 F.3d 249, 252 (11th Cir. 1995) (quoting *Avery v. Alabama*, 308 U.S. 444, 446, 60 S.Ct. 321, 322 (1940)).

9. Mr. Small agrees with this continuance and will not be prejudiced by this continuance. Additional time will not prejudice Mr. Brownridge and will permit him additional time to prepare and file pretrial motions, to further investigate this case, and to prepare for trial. Additionally, a continuance will potentially allow him to reach a favorable resolution with the government. Counsel has discussed with Mr. Small his rights under the Speedy Trial Act and Mr. Small understands the need for a continuance and respectfully requests that the court continue his trial for the ninety days requested by counsel.

10. Undersigned counsel affirmatively states that the ends of justice will be served by granting this extension of time in which to file motions and a continuance of the trial. *See United States v. Hernandez-Mejia*, 406 Fed. App'x. 330, 338 (10th Cir. 2011) ("The Speedy Trial Act was intended not only to protect the interests of defendants, but was also 'designed with the public interest firmly in mind.'") (quoting *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009)). A continuance of the deadlines and jury trial in this matter will provide Mr. Brownridge time to review the discovery, pursue any investigation, and assess the viability of any defenses. Additionally, a continuance will permit the parties time to discuss a possible negotiated resolution of this matter. Such a negotiated resolution would conserve judicial and prosecutorial resources and could also materially benefit Mr. Brownridge by providing him access to a more favorable resolution of this matter. This motion is not predicated upon the congestion of the Court's docket.

11. Assistant United States Attorney, Samuel Hurtado does not oppose this motion for continuance.

12. The parties request a trial setting in September or October. Mr. Hurtado has definite trial settings in the upcoming months. Mr. Bowles and Mr. Bullion also have several trial conflicts in the upcoming months. This long delay will also help the parties possibly reach a plea resolution.

WHEREFORE, Defendant, by and through undersigned counsel, respectfully request that this Court continue the jury trial and motions deadline as set forth above.

Respectfully submitted,

/s/ Jason Bowles

Jason Bowles

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-and-

Todd J. Bullion

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I hereby certify that a true and correct copy of the foregoing was electronically submitted this 26th day of May, 2023 to all parties listed in CM/ECF filing system.

/s/ Jason Bowles

Jason Bowles

Bowles Law Firm